

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Submission to
enter the
national stage
under 35 U.S.C.
§ 371.

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/GB2004/004456	International filing date (day/month/year) 21.10.2004	Priority date (day/month/year) 23.10.2003
International Patent Classification (IPC) or both national classification and IPC B65F1/06		
Applicant SANGENIC INTERNATIONAL LIMITED		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the International application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Smolders, R Telephone No. +31 70 340-2814 

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**WRITTEN OPINION OF THE
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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application,
 claims Nos. 7-15, 17

because:

- the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
- the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):
- the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- no international search report has been established for the whole application or for said claims Nos. 7-15, 17
- the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
 - the written form has not been furnished does not comply with the standard
 - the computer readable form has not been furnished does not comply with the standard
- the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.
- See separate sheet for further details

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**WRITTEN OPINION OF THE
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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
 - paid additional fees.
 - paid additional fees under protest.
 - not paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is:
 - complied with
 - not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
 - all parts.
 - the parts relating to claims Nos. 1-6,16

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	3
	No: Claims	1,2,4-6,16
Inventive step (IS)	Yes: Claims	
	No: Claims	1-6,16
Industrial applicability (IA)	Yes: Claims	1-6,16
	No: Claims	

2. Citations and explanations

see separate sheet

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

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Re Item IV

Lack of unity of invention

1) This Authority considers that there are 5 inventions covered by the claims indicated as follows:

- I: Claims 1-6,16
- II: Claims 7-10
- III: Claims 11-13
- IV: Claims 14,15
- V: Claim 17

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rules 13.1, 13.2 and 13.3 PCT, are as follows:

2) The prior art has been identified as: US-A-2002/162304 which discloses a waste storage device and a waste storage cassette for a waste storage device having the following features which are common to all five inventions (the waste storage device for the first four inventions, the waste storage cassette for the first and the last invention):

- a waste storage device including a waste storage cassette chamber for receiving a rotatable waste storage cassette containing tubing for enveloping waste, and
- a waste storage cassette for rotational mounting on a waste storage device.

3) Invention 1: From a comparison of the disclosure of this prior art and the technical features of the first invention, the following potential special technical features can be seen to make a contribution over this prior art (Rule 13.2 PCT):

- a waste storage cassette rotator to engage a waste storage cassette for rotation,
- a waste storage cassette having a rotator or a formation to engage a co-operating formation of a cassette rotator.

From these, the objective problem to be solved can be construed as how to avoid

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direct contact of the user's hands with the tubing.

4) Invention 2: From a comparison of the disclosure of this prior art and the technical features of the second invention, the following potential special technical features can be seen to make a contribution over this prior art (Rule 13.2 PCT):

- a throat for passage of enveloped waste, in which an enveloped waste gripper is provided in the throat, the enveloped waste gripper comprising a flexible grip region around an enveloped waste aperture.

From these, the objective problem to be solved consists in improving the means for holding the tubing against rotation.

5) Invention 3: From a comparison of the disclosure of this prior art and the technical features of the third invention, the following potential special technical features can be seen to make a contribution over this prior art (Rule 13.2 PCT):

- a throat for passage of enveloped waste, in which an enveloped waste guide is provided in the throat to guide enveloped waste towards a waste storage chamber wall.

From these, the objective problem to be solved can be construed as how to avoid that packages of enveloped waste can untwist.

6) Invention 4: From a comparison of the disclosure of this prior art and the technical features of the fourth invention, the following potential special technical features can be seen to make a contribution over this prior art (Rule 13.2 PCT):

- a waste cassette chamber lid including a rotatable tubing cutter, and
- a releasable self-locking detent releasable to allow one uninterrupted full rotation of the cutter.

From these, the objective problem to be solved can be construed as how to avoid

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repeated checking whether a full cut has been achieved.

7) Invention 5: From a comparison of the disclosure of this prior art and the technical features of the fifth invention, the following potential special technical features can be seen to make a contribution over this prior art (Rule 13.2 PCT):

- a cassette mount projecting from the outer wall to allow rotation of the cassette when mounted.

From these, the objective problem to be solved can be construed as how to minimise the resistance to rotation of the cassette.

8) The above analysis shows that the potential special technical features of the first invention are neither the same as nor corresponding to those of the second invention, nor the same as or corresponding to those of the third, the fourth and the fifth invention.

9) In conclusion, therefore, since the problems to be solved are different, the different potential special technical features cannot be considered as corresponding special technical features. The five groups of inventions are thus not linked by a general inventive concept, and hence, the application does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

10) Reference is made to the following documents:

D1: US-A-2002/162304
D2: EP-A-0 356 051
D3: JP-A-2000 247401

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- 11) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 5 and 16 is not new in the sense of Article 33(2) PCT.
- 12) Document D1 is regarded as being the closest prior art to the subject-matter of independent claims 1, 5 and 16, and discloses a waste storage device including a waste storage cassette receiving chamber and a waste storage cassette rotator rotatably mounted in the chamber and configured to engage a waste storage cassette for rotation thereof relative to the chamber; a waste storage cassette for a waste storage device, the waste storage cassette including inner and outer walls defining a waste storage tubing receptacle there between, the inner wall having a central portion through which, in use, tubing passes, the waste storage cassette further having a rotator formed on a portion remote from the central portion; and a waste storage cassette for rotational mounting on a waste storage device, the waste storage cassette having an outer wall and a formation provided thereon arranged, in use, to engage a co-operating formation of a cassette rotator for rotation of the cassette.

Therefore, the subject-matter of claims 1, 5 and 16 lacks novelty (Article 33(2) PCT).

- 13) As document D1 discloses the features of claims 2, 4 and 6 too, these claims do not meet the criteria of Article 33(2) either.
- 14) Furthermore, documents D2 and D3 disclose as well the features of claims 1 and 4, as well as the features of claim 2 (document D2).
- 15) Dependent claim 3 does not contain any features which, in combination with the features of any claim to which it refer, meet the requirements of the PCT in respect of novelty and/or inventive step, as these features appear to be obvious to the man skilled in the art in consideration of the disclosure of the prior art as cited in the search report.